



Appeal Decisions

Hearing held on 6 June 2023

Site visit made on 6 June 2023

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal A: APP/X2220/C/22/3313856

**Rose Farm, Westmarsh Drove, Westmarsh, Ash, Canterbury,
Kent CT3 2DD**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr P Doran against an enforcement notice issued by Dover District Council.
 - The enforcement notice was issued on 1 December 2022.
 - The breach of planning control as alleged in the notice is 'Non-compliance with condition 3 of planning permission 19/00565'.
 - Condition No 3 states that "When the premises cease to be occupied by those named in condition 2, or at the end of 3 years from 23 April 2018, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment, brought on the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place'.
 - The requirements of the notice are:
 1. Cease use of the land as a caravan site and for the stationing of caravans for residential occupation.
 2. Cease residential occupation of the land.
 3. Remove all caravans, shipping containers, temporary structures, materials and equipment stored, domestic paraphernalia and detritus from the land.
 4. Demolish all buildings, structures, fences, gates, walls, pillars and all means of enclosure on the land, removing all resultant materials, rubble and rubbish from the land and backfill the resultant excavated areas with soil.
 5. Excavate and break up the hard surfaced track marked as 'A' in the approximate position on the attached plan. Remove all resultant materials, rubble and rubbish from the land.
 6. Excavate and break up the hard surfaced areas within the areas marked as 'B' in the approximate position on the attached plan. Remove all resultant materials, rubble and rubbish from the land.
 7. Return the land to its former condition and appearance as shown in the attached aerial photograph of the site.
 - The period for compliance with the requirements in full is within twelve (12) calendar months from the date the notice takes effect.
 - The appeals are proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal B: APP/X2220/W/22/3305480

Rose Farm Caravan Site, Westmarsh Drove, Westmarsh, Kent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and

Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.

- The appeal is made by Messrs Flynn, Connor, O'Brien & Delaney against the decision of Dover District Council.
 - The application Ref 21/00411, dated 12 March 2021, was refused by notice dated 11 July 2022.
 - The application sought planning permission for a variation of conditions 2, 3 and 4 of planning permission Ref 19/00565, dated 4 February 2020, which allowed for pitches 1-3 and 7 to be occupied by families other than those identified in condition 2 of planning permission granted under APP/X2220/C/17/3180882.
 - Condition No 2 in dispute states that: 'The use hereby permitted shall be carried on only by the following: John Flynn, his sister Ann Marie Flynn and her three children (Plot 1), Alexander Macdonald and Charlotte Kiely and their dependent children (Plot 2), Luke Connors and Mary McCann and their dependents (Plot 3), John J and Mary Delaney and their dependent children (Plot 4), Philomena O'Brien and John O'Brien and their dependent children (Plot 5), Richard and Terry Delaney and their dependent children (Plot 6), Jerry Connors and resident dependents (Plot 7), and Thomas Delaney and Josephine Maughan and their dependent children (Plot 8), and shall be for a limited period until 23 April 2021, or the period during which the premises are occupied by them, whichever is the shorter'.
 - Condition no 3 in dispute states that: 'When the premises cease to be occupied by those named in condition 2 above, or at the end of 3 years from 23 April 2018, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment, brought on the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place'.
 - Condition no 4 in dispute states that: There shall be no more than 8 pitches on the site and on each of the 8 pitches hereby approved no more than 2 caravans shall be stationed at any time, of which 1 caravan shall be a static caravan'.
 - The reason given for condition 2 states: 'In view of the circumstances of the proposal'. The reason given for both conditions 3 and 4 states: 'To conserve the character and appearance of the countryside.'
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Formal Decisions

Appeal A

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely, as shown on the plan attached to the notice, the use of the land at Rose Farm, Westmarsh Drove, Westmarsh, Ash, Canterbury, Kent CT3 2DD for the stationing of caravans for residential purposes, including development facilitating the use, the erection of fences and other means of enclosure, the creation of areas of hardstanding, and the laying of trackways, without compliance to condition 3 of planning permission 19/00565, subject to the conditions set out in the attached Schedule.

Appeal B

2. The appeal is allowed and planning permission is granted by deleting conditions 2, 3 and 4 and replacing them with updated conditions as set out in the attached Schedule. The other conditions on permission ref 19/00565 are again imposed, and a new condition requiring for the implementation of the already approved Site Development Scheme is included.

Background

3. Planning permission was granted for the use of the site for the stationing of caravans for residential purposes following a successful appeal in 2018. The use had commenced during the previous year. The permission was subject to a time limitation condition that the use cease by 23 April 2021, or if the premises cease to be occupied by named persons, whichever shall first occur.
4. However, directly relating to this a planning permission (ref 19/00565) was granted in February 2020 to vary the occupancy restriction, thereby allowing for pitches 1-3 and 7 to be occupied by persons other than those previously named in a condition imposed on the 2018 permission. From the eight plots and the named occupants and their dependents set out in condition 2 of the 2020 permission only those occupying plots 3, 5 and 7 remain on the site.
5. The condition specifying the time limitation restriction has also been breached with the use continuing beyond the stipulated date, and also I note that not all the plots are being occupied by those named persons.
6. Since s72(1)(b) of the 1990 Act (as amended) provides for the imposition of a time limit and reinstatement condition, and a planning permission subject to such a condition is effectively a planning permission granted for a limited period, it is implicit that the condition circumscribes the entire authorisation of the use and must survive for the purposes of enforcement action.
7. As such, where a use of land is continued after the expiry of a temporary planning permission, an enforcement notice should be directed against a breach of the condition that required the use to cease at a specified time. The current situation here is a case in point.
8. In the circumstances, faced with the breaches of planning control, the Council saw it expedient to issue the enforcement notice now at appeal.

Appeal A on ground (a): the deemed planning application (DPA)

Main Issues

9. In allowing the previous appeal in 2018 the Inspector considered the main issues as three-fold. These involved the effect of the development on the character and appearance of the surrounding countryside, whether the site complies with the relevant policies relating to the location of gypsy/traveller sites, and also the level of flood risk to the occupants of the site.
10. I agree with this approach but, rather than reiterate the previous Inspector's reasons for allowing the appeal I will instead highlight any updates of relevance, whilst particularly concentrating on the current use of the site and the personal circumstances of the site's various occupiers. The Council's current estimation as to its supply of gypsy/traveller pitches is also pertinent.

Appeal B

Main Issue

11. This is whether conditions nos 2, 3 and 4 imposed on the planning permission granted under APP/X2220/C/17/3180882 are necessary and reasonable having regard to the effect on the character and appearance of the surrounding countryside and the circumstances of the case.

Reasons

Current use and personal circumstances

12. The site, previously green-field land, has eight individual pitches, all of which are readily identifiable due to demarcation by way of boundary fencing between the various plots. At the time of my site visit six of the plots were occupied, five of which had one mobile home/static caravan, and a single tourer parked. Plot 2 was the exception, with two static caravans present. Most pitches also had various small outbuildings/sheds and grassed areas within. As a whole, the site appeared well maintained with an orderly arrangement.
13. The site provides accommodation for a significant number of adults and their children. At the Hearing certain occupiers spoke and letters were produced from the Headteachers of Ash Cartwright & Kelsey Church of England Primary School, Whitfield Aspen School and Sandwich Infants School which confirmed that eight of the children who live at the site are pupils there. There are also other children who reside at the site who are not yet of school age.

Policy, need, and provision of sites

14. The existing level of local provision and need for sites along with the availability, or lack of, alternative accommodation are relevant matters under criteria within the government's Planning Policy for Traveller Sites 2015 (PPTS).
15. In October 2022 the Dover District Local Plan Regulation 19 Submission was published, and this was submitted for its Examination in Public in March 2023. Relevant emerging policies therefrom regarding the provision of sites for gypsies and travellers are policies SP3 and also H3 and H4.
16. Paragraph 10 of the PPTS expects Councils, in their local plan, to identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of sites against their locally set targets.
17. A Gypsy and Traveller Accommodation Assessment (GTAA) was published in 2018 and this was subsequently updated in 2020 to assess the need for pitches and to confirm potential sources of site supply during the forthcoming Local Plan period 2020 to 2040, which identified a total need of 42 pitches.
18. The Reg 19 submission says that the Council can demonstrate a 5 year supply of deliverable sites for Gypsy and Traveller purposes, saying there is a land supply of pitches of 8.1 years (revised to 9 years at the time of the Hearing). The document goes on to say that the remaining need for gypsy/traveller sites to 2040 will be met in full over the plan period through the intensification of existing sites, extant planning permissions and also windfall permissions, subject to individual circumstances and need. Further, emerging policy H3 identifies three particular sites as suitable for intensified use, with five additional pitches earmarked in total.
19. Emerging policy H4 says that for windfall sites it should be demonstrated, amongst other things, that the proposal cannot be accommodated on an alternative family owned site, the site is accessible to schools, health and local services and has good access to the road network. Further, it should conserve and enhance landscape character.

20. In September 2001, following the previous appeal decision and subsequent planning permission the Ash Neighbourhood Plan was adopted. Policy ANP1 thereto largely reflects CS policy DM1 in seeking to preclude development beyond the Ash village settlement boundary unless it provides for a local business or community need on a site that is adjacent to or beyond the existing village settlement area and is physically well related to the existing settlement boundaries. Clearly, the appeal proposal does not comply with these requirements.
21. The appellants dispute the Council's figures and is of the opinion that any surplus in provision translates to an increase in need, probably resulting from doubled-up and concealed households which has likely skewed the GTAA update in 2020, and resulted in a false picture. They estimate that there is a need for an additional 17 pitches, which are not currently accounted for in the GTAA. He also asserted that since the GTAA update the need for accommodation has risen by 20 pitches.
22. More specifically, the appellants have not identified any alternative accommodation that would suit the appeal site's occupants who together were described at the Hearing as a close-knit community. Indeed, from my observations at the Hearing and, afterwards, at my site visit, I would concur with this view.
23. The appellants' case is therefore based on unmet need, and it was put to me that the Council's claim to have an oversupply of sites, and no unmet need, is both misleading and wrong. The implications of such for the occupants of the appeal site is that, should they vacate the land they will have nowhere to go because there is nothing suitable currently available.
24. On the above point the appellants' view is that should a new GTAA be undertaken, rather than the was the case with the 2020 update, it would show a substantial increase in the need for sites, and it has to be questioned whether the Council's intended provision is sufficient.
25. Clearly there is considerable difference of opinion between the main parties on the issue of need and supply, and the issues will no doubt be explored at the new local plan's examination in public.

Location

26. The site is located on flat, open countryside, some distance beyond the settlement of Westmarsh. There is an adjacent stud farm but, otherwise, it is a remote location, with little infrastructure of any note in proximity, and little, if any, public transport provision. Accordingly, the development conflicts with the aims of CS policy DM7 and emerging policies H4 and TI1. The road system is comprised of narrow country lanes and, realistically, as is the case for the residents in Westmarsh, there is heavy reliance on the private car.

Character and appearance

27. The Council considers that the development is of a scale that fails to integrate with the existing pattern of the nearby settlement and there is over-reliance on the use of the private motor vehicle to access education, health services and shops etc. The appeal site is, though, located in open countryside and is, somewhat isolated. Accordingly, the use of the land is contrary to the advice in paragraph 25 of the PPTS.

28. The Dover District Landscape Character Assessment was published in 2020. This document shows that the site falls within the Ash Levels Landscape Character Area which covers the low lying former Wanstun Channel, a distinctive flat area of land largely used for arable and pasture grazing.
29. The Council's strategy for this area is to safeguard the area's openness and restore and enhance the wetland habitat potential and connectivity as part of the wider Stour/Wanstun Marshes.
30. Amongst other things emerging policy H3 says that the proposal should conserve and enhance the character and appearance of the landscape which reflects the wider aims of emerging NE2 and the objectives of CS policies DM15 and DM16. However, I have noted that policy DM15, which serves to protect the countryside, does say that development which adversely affects the character or appearance of the countryside will be permitted in certain circumstances, one of which is in instances where it cannot be accommodated elsewhere.
31. The previous Inspector acknowledged that many traveller sites are in the countryside but she was also of the view that the general absence of infrastructure in the locality would hinder those members of the community, such as the children and their carers who might not be travelling as frequently as others on the site. This, along with the flood risk issue, was a factor which persuaded her to only grant a temporary planning permission.

Flood risk

32. The site lies within Flood Zone 3 and, in accordance with the advice in paragraph 167 of the Framework, an application for a Traveller site in Flood Zones 2, 3a or 3b should include a site specific Flood Risk Assessment (FRA). Nonetheless, no FRA was produced.
33. Emerging policy H4 indicates that gypsy and traveller sites should not be located in Flood Zones 2 or 3. Where a site is identified as being at risk from surface water flooding, a site specific Flood Risk Assessment must be carried out, and the Sequential Test applied to the layout of the site.
34. Although no flood risk assessment (FRA) was prepared to accompany the appeal submissions, one was carried out to support the 2018 appeal. This found that the site is not at risk of flooding from groundwater, surface water or reservoirs. However, Westmarsh Drove which provides vehicular and pedestrian access to the site is flooded in the 1 in 100 year annual probability event for most of its length.
35. Paragraph 167 of the Framework advises that development should only be allowed in areas at risk of flooding where specified mitigation measures can be demonstrated in the light of a site specific flood risk assessment, and the sequential and exception tests have been carried out and applied as appropriate.
36. The previous Inspector acknowledged such a location should be subject to the Sequential Test to determine if there are any other sites where it could be located that have a lower risk of flooding. At that time, however, and given the circumstances, it was agreed between the parties that there are no sites to allow for a Sequential Test to take place as no sites had been identified or allocated for gypsy/traveller accommodation within the Dover District area.

37. In highlighting a series of measures which could be applied that would justify the grant of a temporary planning permission until allocated sites might come forward the Inspector allowed the appeal and granted the temporary permission, accordingly. These included the anchoring of the caravans to the ground, the raising of their floor levels and also the development of flood evacuation plan in conjunction with the Council.
38. The Inspector reasoned that with a time limited permission of up to 3 years the likelihood of the 100 year event happening during this time is less than 3%. Even if it did, the flood depths would be below the recommended finished floor levels. Furthermore, there will be more than sufficient time to implement the proposed flood plan and evacuate the site should this prove necessary.
39. Subsequently, mitigation measures in this regard were submitted to the Council and approved as part of details submitted relating to a site development scheme which, with an agreed timetable of implementation, was a conditional requirement of the temporary planning permission granted. At the Hearing it was not made clear to me whether, and if so to what extent, the approved measures had been carried out. Also, I note that the previous FRA had recommended that a Flood Plan be developed in consultation with Dover District Council. No such work has apparently been undertaken.
40. The government's planning practice guidance (PPG) advises that if the site is in Flood Zones 3a or 3b such highly vulnerable development should not be permitted even if the sequential test is passed, although paragraph 159 of the National Planning Policy Framework (the Framework) allows for development that is necessary in such areas so long as it is made safe for its lifetime without increasing flood risk elsewhere.
41. The previous Inspector, although finding that the location of the site would be unacceptable for a permanent planning position because of the risk of flooding, decided that the potential problem could be managed for a temporary period.
42. In the circumstances the proposal is in conflict with the requirements of CS policy DM7, NP policy ANP 5, emerging policies H3, H4 and CC5 and paragraph 167 of the Framework. Accordingly, I must concur with the previous Inspector's view that the site's location is unsuitable for a permanent planning permission.

Other Considerations

Human Rights and Best Interests of the Child

43. There is a positive duty by virtue of Article 8 of the Human Rights Act to facilitate the traditional and nomadic way of life of travellers.
44. However, in considering the proportionality of a requirement to leave one's home it is relevant whether or not the home was established unlawfully.
45. Article 8 of the European Convention on Human Rights, enshrined in UK law through the Human Rights Act 1998, provides that everyone has the right to respect for his private and family life, his home and correspondence. In this regard there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary, amongst other things, for the protection of the rights and freedoms of others.

46. Accordingly, if Article 8 is engaged, then interference with those rights can be justified by the Council if it is a legitimate aim, in accordance with the law and necessary in the public interest.
47. Article 3(1) of the United Nations Conventions on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.
48. In 2013, in the High Court judgement of *Stevens v SSCLG* [2013] EWHC 792 (Admin) it was held that where the Article 8 rights are those of children, their best interests are a primary consideration. Once identified, although a primary consideration, the best interests of the children were not determinative of the planning issue, but no other consideration was more important or to be given greater weight and those best interests had to be kept at the forefront of the decision maker's mind.
49. Importantly, it was held that the best interests of the children were not only not determinative, neither were they paramount, the judge noting that Article 3 says "*a primary consideration*" rather than "*the primary consideration*". Nor should they be considered temporally or logically first.
50. In the case the planning appeal Inspector, in her assessment, had referred to the children's benefit as carrying moderate weight. However, the court decided that, after examining all the material considerations, she was not giving the children's best interests inherently less weight than the visual harm to which the development had given rise. She was, therefore, fully entitled, after that analysis, to conclude that the dismissal of the appeal against the refusal of planning permission would not have a disproportionate impact on the family.
51. Also in 2013, the Court of Appeal heard the case of *Collins v SSCLG* [2013] EWCA Civ 1193 where it was held that whether the best interests of the children had been taken properly into account in the overall exercise was a question of substance, to be answered by the detailed reasoning of the decision letter as a whole. It was acknowledged that the Secretary of State had, in substance, taken the view that the best interests of the children coincided with those of their families as a whole and lay in remaining on the site, but that the children's best interests and the other factors in favour of granting planning permission were outweighed by the harm that would be caused.
52. If the appellants or intended occupiers are living on the site it should be regarded as their home and I consider that this illustrates the significant weight to be afforded to both Article 8 and the best interests of the children.
53. In this particular instance the family who have occupied Plot 5 since at least early 2018, have two children at Sandwich Infant School and one child at Whitfield Aspen School which caters for special needs. Since September 2021 three children from Plot 4 have attended Ash Cartwright & Kelsey Church of England School, where two children from Plot 7 are also present.
54. The best interests of the children, that is the need to safeguard and promote their welfare, are a primary consideration, particularly as their education would be likely to be interrupted if the family were forced to move from the site. Further, the accessibility to health care that a settled base secures is a benefit to the family as a whole.

55. Accommodation by way of a settled base, rather than a roadside existence, can only therefore be beneficial. I consider that the development provides suitable accommodation consistent with this and, as such, the personal circumstances of the appellants including the best interests of the child must be afforded substantial weight.

Planning Balance

56. The temporary planning permission expired in April 2021 and a number of persons now resident at the site are not those specified in condition 2 of the 2020 permission. In the circumstances the continued use of the land for the stationing of caravan does not actually constitute development. Instead, the continued use involves a breach of condition. Further, although the occupation is unlawful, I am mindful that the principle of the use has been previously accepted, firstly by way of an appeal and subsequently by the Council, and when taking into account the various factors and circumstances I have described, I consider that, taken together, these give significant weight to the appellants' case.
57. Since the last appeal decision the Dover District Character Assessment has been published which confirms that the site's location within the identified Ash Levels landscape, and the Council's replacement local plan has been submitted for examination. Accordingly, new policies relating to gypsy and traveller accommodation within the District are emerging. In terms of need for such sites the Council is relying on an update to the 2018 GTAA. The updates were carried out in 2020.
58. The appellants dispute the Council's figures, are of the view that the intended provision is inadequate and say that there is no alternative accommodation available for the occupiers of the appeal site to relocate to. The point is therefore made that there is nowhere for them to go to should they be required to vacate the site, as things stand. Here, I am mindful that the site has been occupied since 2017, and a number of the children resident there have become established at local schools, with letters provided by the various headteachers to confirm this.
59. However, the site lies within flat, open countryside, and is anomalous in its setting, having an adverse impact on the landscape and its character. Accordingly, the development is harmful to both the character and appearance of its surroundings, to which I attach significant weight. In fact, this remote site's continued occupation is contrary to all the local policies, both adopted and emerging, referred to above, save for the proviso referred to in CS policy DM15. In the main, though, the continuing residential use of the site is in clear conflict with the development plan.
60. The harm is exacerbated given the site's location in a high risk flood zone, with no sequential or exception tests having been undertaken in this regard. The FRA produced in relation to the previous appeal was undertaken over five years ago and, although some short term measures were recommended in mitigation and, moreover, was the subject of a condition imposed on the 2018 planning permission, there is no indication as to what extent these measures have been implemented. I am, though, mindful of the very limited likelihood of the 100 year event happening during the an additional period of occupation.

61. Clearly, in both local and national policy terms, this is an unsuitable site for residential use, and I find there was a legitimate aim and planning purpose in the Council's decision to issue the enforcement notice. Nonetheless, given the apparent current absence of suitable alternative sites, and the implications of the occupants having to vacate the site to a potential roadside existence, I have considered the possibility of granting a second temporary planning permission.
62. In the above regard I have referred to the government's planning practice guidance which says that a temporary permission may be appropriate where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. In this regard the draft replacement local plan will be undergoing its examination in public imminently and, procedural obstacles aside, the Council's Local Development Scheme's timeline anticipates that it will be adopted during 2024.
63. Along with the new policy position the Council's estimated 9 years land supply of gypsy and traveller sites will be tested and this might work in the appeal site's occupants' favour. Accordingly, I intend to allow the continued occupation of the site for a further period of two years. However, this should be coupled with the approved Site Development Scheme being implemented in full so as to introduce measures to mitigate the risk of flooding.

Conclusions on Appeals A and B, and Conditions

64. For the reasons given above I conclude that Appeal A should succeed on ground (a) and planning permission will be granted. The appeal on ground (g) does not therefore need to be considered.
65. As regards Appeal B I conclude that the planning permission should be varied as set out in the formal decision. Consistent with the previous planning permission I am making the continued use personal to the site's current occupiers due to their identified needs. It therefore serves a planning purpose, is both necessary and reasonable, but is updated to reflect the persons currently occupying the site. Condition 3, which stipulates the time limitation, is also necessary and reasonable, and is similarly updated in accordance with the additional two years granted. It is also necessary to limit the number of caravans per pitch, and I have updated Condition 4 to reflect the fact that pitch 2 accommodates additional caravans. The other conditions imposed are of standard wording for such use of land, and reproduce those attached to the previous planning permission.

Timothy C King

INSPECTOR

Schedule of Conditions

- 1) The site shall not be occupied by any persons other than gypsies and travellers, define as persons of nomadic habit of life whatever their race or origin, including such persons as defined in Planning Policy for Travellers Sites, August 2015 (or any subsequent definition that supersedes that document).
- 2) The use hereby permitted shall be carried on only by the following persons: John and Eileen Delaney, and their resident dependents (Plot 1); Ann Connors and her resident dependents (Plot 2); Luke Connors, his resident dependents, Luke Connors Jnr and Luke Connors Snr (Plot 3); Patrick and Mary Doran, and their resident dependents (Plot 4); Philomena O'Brien, John O'Brien and their resident dependents (Plot 5); Simon O'Donnell and his resident dependents (Plot 6); Jerry and Ann Connors, and their resident dependents (Plot 7); Patrick O'Donnell and Winnie O'Donnell, and their resident dependents.
- 3) The use hereby permitted shall be for a limited period of two years from the date of this decision, upon which the use shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to its condition before the development took place.
- 4) There shall be no more than eight (8) pitches on the site, and on each of the pitches 1-8 (with the exception of pitch 2), hereby approved no more than two caravans shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 5) On pitch 2, no more than two static caravans and no more than two touring caravans shall be stationed at any time. Only two caravans on this pitch shall be occupied for primary residential purposes.
- 6) No more than one commercial vehicle per pitch shall be stationed, parked or stored on the site at any time. These shall be for the use only of the occupiers of the caravans hereby permitted, and no vehicles shall exceed 3.5 tonnes in weight.
- 7) No commercial activities shall take place on or from the land, including the storage of materials.
- 8) No burying of waste or other materials shall take place on the land at any time.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) (Order) 2015 (or any other order revoking and re-enacting that order with or without modifications), no walls, fences or other means of enclosure other than those approved in writing shall be erected on the site.
- 10) The Site Development Scheme approved by the local planning authority on 15 August 2018, under ref CON/18/00691/A, pursuant to condition 7 of APP/X2220/C/17/3180882, shall be implemented in full within two months of the date of this decision.